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Attorneys for Plaintiff  
United States of America

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,  
  
Plaintiff,

v.

MICHAEL BRACE,  
  
Defendant.

Case No: 1:21-CR-00055 JLT-SKO

**STIPULATION BETWEEN THE UNITED  
STATES AND DEFENDANT REGARDING  
PRODUCTION AND REVIEW OF  
[PROPOSED] PROTECTIVE ORDER AND  
CERTIFICATION**

Ctrlm: 7

Hon. Sheila K. Oberto

This case involves charges related to the actual and attempted sexual exploitation of minors. The discovery in this case contains private personal information regarding third parties (both adults and minors), including but not limited to their names, dates of birth, physical descriptions, telephone numbers and/or residential addresses (protected information). The case also involves contraband that the defense is not legally entitled to possess.

The parties desire to avoid both the necessity of large-scale redactions and the unauthorized disclosure or dissemination of this personal information to anyone not a party to the court proceedings in

1 this matter, so the parties agree that entry of a protective order would be appropriate and facilitate the  
2 expeditious exchange of information about the case.

3 As a result, defendant MICHAEL BRACE, by and through his counsel of record, Daniel  
4 Harralson (defense counsel), and the United States of America, by and through Assistant United States  
5 Attorney David Gappa, agree as follows:

6 1. This court may enter a protective order under Rule 16(d) of the Federal Rules of Criminal  
7 Procedure, and the court's general supervisory authority.

8 2. The protective order will cover all discovery provided to or made available to defense  
9 counsel as part of discovery in this case.

10 3. By signing this stipulation and protective order, defense counsel agree(s) not to share any  
11 documents that contain protected information with anyone other than defense counsel's associated  
12 attorneys, designated defense investigator(s), designated defense expert(s), and/or support staff. Defense  
13 counsel may permit the defendant to view unredacted documents in the presence of his attorney(s), defense  
14 investigator(s), and/or support staff. The parties agree that defense counsel, defense investigator(s), and  
15 support staff shall not allow the defendant to copy or record protected information contained in the  
16 discovery. The parties agree that defense counsel, defense investigator(s), and support staff may provide  
17 the defendant with copies of documents, if any, from which protected information has first been redacted.

18 4. The discovery and information within it may be used only in connection with the litigation  
19 of this case and for no other purpose. The discovery is now and will forever remain the property of the  
20 United States of America (the government). Defense counsel will return the discovery to the government  
21 at the conclusion of the case.

22 5. Defense counsel will store the discovery in a secure place and will use reasonable care to  
23 ensure that it is not disclosed to anyone in violation of this agreement.

24 6. Defense counsel shall be responsible for advising the defendant, employees, and other  
25 members of the defense team, and defense witnesses of the contents of this stipulation and order.

26 7. In the event that defendant substitutes counsel, undersigned defense counsel agrees to  
27 withhold discovery from new counsel and to return any discovery provided to the government.  
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1           8.       The government will make digital evidence (including contraband) available within the  
2 confines of the Homeland Security Investigations (HSI) office in Fresno, California or other appropriate  
3 law enforcement facility approved by the government. The digital evidence (contraband) shall not be  
4 viewed by any person other than defense counsel, and/or defense investigators and experts, and such  
5 viewing shall be conducted only as necessary to prepare for defendant's defense. The defendant may  
6 review the digital evidence in the presence of counsel within the confines of the HSI office. Neither  
7 defense counsel nor any representative of defense counsel will remove any contraband from the custody  
8 or control of the law enforcement agency.

9           IT IS SO STIPULATED.

10          Dated: January 19, 2023

11                               /s/ Daniel Harralson  
12                               Daniel Harralson  
                                  Attorney for defendant  
                                  MICHAEL BRACE

13          Dated: January 19, 2023

14                               PHILLIP A. TALBERT  
                                  United States Attorney

15                               By: /s/ David Gappa  
16                               David Gappa  
17                               Assistant U.S. Attorney

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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 UNITED STATES OF AMERICA,  
12 Plaintiff,

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14 v.  
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16 MICHAEL BRACE,  
17 Defendant.  
18  
19

Case No: 1:21-CR-00055 JLT-SKO

**PROTECTIVE ORDER RELATED TO  
STIPULATION BETWEEN THE UNITED  
STATES AND DEFENDANT REGARDING  
PRODUCTION AND REVIEW OF  
PROTECTED INFORMATION AND  
CERTIFICATION**

Ctrm: 7

Hon. Sheila K. Oberto

20 ORDER  
21

22 1. Defense counsel may permit the defendant to view unredacted documents in the presence  
23 of his attorney(s), defense investigator(s), and/or support staff. The parties agree that defense counsel,  
24 defense investigator(s), and support staff shall not allow the defendant to copy or record protected  
25 information contained in the discovery. The parties agree that defense counsel, defense investigator(s),  
26 and support staff may provide the defendant with copies of documents, if any, from which protected  
27 information has first been redacted.  
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1           2.       The discovery and information within it may be used only in connection with the  
2 litigation of this case and for no other purpose. The discovery is now and will forever remain the  
3 property of the United States of America (the government). Defense counsel will return the discovery to  
4 the government at the conclusion of the case.

5           3.       Defense counsel will store the discovery in a secure place and will use reasonable care to  
6 ensure that it is not disclosed to anyone in violation of this agreement. Defense counsel shall be  
7 responsible for advising the defendant, employees, and other members of the defense team, and defense  
8 witnesses of the contents of this stipulation and order.

9           4.       If requested, the Fresno Homeland Security Investigations (HSI) office shall make a  
10 duplicate copy of any hard drive(s) and any attendant storage media available for defense analysis. The  
11 defendant shall be responsible for providing the drive(s) onto which evidence is copied.

12           5.       The duplicate copy of the digital evidence shall be made available for defense counsel,  
13 Roger Wilson, and/or any proposed defense expert, to review at the Fresno HSI Office, or other location  
14 at the government's discretion, for the purpose of preparing for the defense of the above-entitled action.

15           6.       If retained, the expert will be permitted to bring whatever equipment, books, or records he  
16 or she believes necessary to conduct the examination;

17           7.       Neither the defense expert nor defense attorney shall remove any hard drive(s) or other  
18 storage media from the HSI or other law enforcement office.

19           8.       With the exception of materials which would be considered child pornography under  
20 federal law (including visual depictions and data capable of conversion into a visual depiction), the  
21 expert may download and remove files or portions of files, provided the forensic integrity of the hard  
22 drive(s) is not altered. The expert will certify in writing that s/he has not taken any material which  
23 would be considered child pornography, or data capable of being converted into child pornography  
24 (under federal law), and that s/he has not caused any child pornography to be sent from the HSI or other  
25 law enforcement office by any means including any electronic transfer of files.

26           9.       Except when a defense expert fails to provide this certification, no government agent, or  
27 any person connected with the government, will examine or acquire in any fashion any of the items used  
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1 by the expert in order to conduct the defense analysis. Should a defense expert fail to certify that the  
2 expert has not copied or removed child pornography, or data capable of being converted into child  
3 pornography, government agents may then inspect or examine the materials in order to ensure that  
4 prohibited child pornography has not been removed.

5 10. When the defense indicates that it is finished with its review of the copy of the hard  
6 drive(s), the drive(s) or other storage devices shall be "wiped" clean.

7 11. Any disputes regarding the above or problems implementing this order shall be brought  
8 to the attention of the court through representative counsel after first consulting opposing counsel.

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10 IT IS SO ORDERED.

11 Dated: **January 20, 2023**

12 /s/ Eric P. Gray  
13 UNITED STATES MAGISTRATE JUDGE  
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